

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: Chair Jeff Essmann, on March 24, 2015 at 8:00 AM, in Room 455 Capitol

ROLL CALL

Members Present:

Rep. Jeff Essmann, Chair (R)
Rep. Bill Harris, Vice Chair (R)
Rep. Casey Schreiner, Vice Chair (D)
Rep. Bryce Bennett (D)
Rep. Bob Brown (R)
Rep. Moffie Funk (D)
Rep. Frank Garner (R)
Rep. Edward Greef (R)
Rep. Denise Hayman (D)
Rep. Jessica Karjala (D)
Rep. Debra Lamm (R)
Rep. Forrest Mandeville (R)
Rep. Wendy McKamey (R)
Rep. Dale Mortensen (R)
Rep. Jean Price (D)
Rep. Ray L. Shaw (R)
Rep. Kathy Swanson (D)

Members Excused:

Rep. Austin Knudsen (R)
Rep. Susan Webber (D)
Rep. Art Wittich (R)

Members Absent: None

Staff Present: Jennifer Petersen, Committee Secretary
Sheri Scurr, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HJ 23, 3/20/2015

Executive Action: HB 464, HB 566, HB 574, HB 601, SB 168, SB 191, SB 195, SB 220, SB 235, SB 238, SB 283, SB 286, SB 293, SB 364, SJ 6

00:00:01 Chair Essmann

HEARING ON HJ 23

Opening Statement by Sponsor:

00:01:32 Rep. Debra Lamm (R), HD 60, opened the hearing on HJ 23, Interim study of Montana's election process.

Proponents' Testimony:

00:03:49 Linda McCulloch, Secretary of State (SOS)

EXHIBIT(sth61a01)

00:06:37 Linda Stoll, Montana Association of Clerks and Recorders and Election Administrators (MACREA)

00:07:07 Mary Beveridge, Helena, MT, self

EXHIBIT(sth61a02)

EXHIBIT(sth61a03)

00:17:04 Chair Essmann

00:17:21 Mary Beveridge, Helena, MT, self

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:18:05 Rep. B. Bennett

00:18:45 Rep. Lamm

00:19:36 Rep. B. Bennett

00:19:47 Rep. Lamm

00:19:58 Rep. Funk

00:21:17 Rep. Lamm

Closing by Sponsor:

00:21:42 Rep. Lamm

00:22:19 Chair Essmann, Recess

00:53:25 Chair Essmann, Reconvene

EXECUTIVE ACTION ON HB 464

00:54:27 Sheri Scurr, LSD

00:54:58 Chair Essmann

00:55:05 **Motion:** Rep. Harris moved that **HB 464 DO PASS.**

00:55:15 Sheri Scurr, LSD

00:55:32 Rep. Wittich

00:55:50 Sheri Scurr, LSD
00:56:04 Rep. Wittich

00:56:20 **Motion:** Rep. Schreiner moved that **HB 464 BE AMENDED.**
[EXHIBIT\(sth61a04\)](#)

00:56:58 Rep. Wittich

00:57:09 **Vote:** Motion carried unanimously by voice vote. Rep. Knudsen and Rep. Webber voted by proxy.

00:57:48 **Motion:** Rep. Schreiner moved that **HB 464 BE AMENDED.**
[EXHIBIT\(sth61a05\)](#)

00:58:05 Sheri Scurr, LSD
00:59:33 Rep. Wittich

01:00:03 **Vote:** Motion carried unanimously by voice vote. Rep. Knudsen and Rep. Webber voted by proxy.

01:00:28 **Motion/Vote:** Rep. Harris moved that **HB 464 DO PASS AS AMENDED.** Motion carried unanimously by voice vote. Rep. Knudsen and Rep. Webber voted by proxy.

EXECUTIVE ACTION ON HB 566

01:01:39 Sheri Scurr, LSD

01:01:57 **Motion:** Rep. Harris moved that **HB 566 DO PASS.**

01:02:50 **Motion:** Rep. Wittich moved that **HB 566 BE AMENDED.**
[EXHIBIT\(sth61a06\)](#)

Discussion:

01:05:07 Vice Chair Schreiner
01:05:27 Rep. Wittich
01:07:01 Vice Chair Schreiner
01:08:03 Rep. Wittich
01:09:13 Rep. Harris

01:09:51 **Vote:** Motion carried 12-8 by roll call vote with Rep. Bennett, Rep. Funk, Rep. Hayman, Rep. Karjala, Rep. Price, Rep. Schreiner, Rep. Swanson and Rep. Webber voting no. Rep. Knudsen and Rep. Webber voted by proxy.

01:11:24 **Motion:** Rep. Harris moved that **HB 566 DO PASS AS AMENDED.**

Discussion:

01:11:33 Rep. Garner
01:12:12 Rep. Hayman

01:12:48 Rep. Karjala
01:13:01 Rep. Funk
01:13:46 Rep. B. Bennett
01:15:09 Rep. Wittich
01:17:01 Rep. Price
01:17:55 Vice Chair Schreiner
01:19:19 Vice Chair Harris
01:20:03 Vice Chair Schreiner
01:20:23 Vice Chair Harris

01:20:55 **Vote:** Motion carried 12-8 by roll call vote with Rep. Bennett, Rep. Funk, Rep. Hayman, Rep. Karjala, Rep. Price, Rep. Schreiner, Rep. Swanson and Rep. Webber voting no. Rep. Knudsen and Rep. Webber voted by proxy.

EXECUTIVE ACTION ON HB 574

01:22:32 Sheri Scurr, LSD

01:23:43 **Motion:** Rep. Harris moved that **HB 574 DO PASS AS AMENDED.**

01:25:14 **Motion:** Rep. Wittich moved that **HB 574 BE AMENDED.**
EXHIBIT(sth61a07)

Discussion:

01:27:27 Rep. Garner
01:29:05 Vice Chair Schreiner
01:29:30 Chair Essmann
01:29:43 Vice Chair Harris

01:30:53 **Vote:** Motion failed 1-19 by voice vote with Rep. Wittich voting aye. Rep. Knudsen and Rep. Webber voted by proxy.

01:31:31 Rep. Wittich

01:31:41 **Motion:** Rep. Harris moved that **HB 574 DO PASS AS AMENDED.**

Discussion:
01:31:57 Rep. Wittich
01:32:23 Rep. Garner
01:34:25 Vice Chair Schreiner

01:35:01 **Vote:** Motion carried 19-1 by voice vote with Rep. Wittich voting no. Rep. Knudsen and Rep. Webber voted by proxy.

EXECUTIVE ACTION ON HB 601

01:35:39 Vice Chair Schreiner

01:37:07 Sheri Scurr, LSD

01:37:37 **Motion:** Rep. Harris moved that **HB 601 DO PASS.**

01:37:58 **Motion:** Rep. Schreiner moved that **HB 601 BE AMENDED.**
EXHIBIT(sth61a08)

01:39:02 Rep. Wittich

01:40:12 Rep. Funk

01:41:00 **Vote:** Motion failed 8-12 by roll call vote with Rep. Bennett, Rep. Essmann, Rep. Funk, Rep. Mandeville, Rep. Price, Rep. Schreiner, Rep. Swanson and Rep. Webber voting aye. Rep. Knudsen and Rep. Webber voted by proxy.

Discussion:

01:42:49 Rep. B. Bennett

01:43:32 Rep. Mandeville

01:44:27 Vice Chair Harris

01:45:20 Chair Essmann

01:47:50 Vice Chair Schreiner

01:48:25 **Vote:** Motion that **HB 601 DO PASS** failed 8-12 by roll call vote with Rep. Funk, Rep. Karjala, Rep. Mandeville, Rep. Mortensen, Rep. Schreiner, Rep. Shaw, Rep. Swanson and Rep. Webber voting aye. Rep. Knudsen and Rep. Webber voted by proxy.

01:50:02 **Motion/Vote:** Rep. Garner moved that **HB 601 BE TABLED.** Motion carried unanimously by voice vote. Rep. Knudsen and Rep. Webber voted by proxy.

EXECUTIVE ACTION ON SB 168

01:50:49 Chair Essmann

01:51:12 Rep. Wittich

01:51:25 Chair Essmann

01:52:01 Sheri Scurr, LSD

01:52:25 **Motion:** Rep. Harris moved that **SB 168 BE CONCURRED IN.**

01:53:07 **Motion:** Rep. B. Bennett moved that **SB 168 BE AMENDED.**
EXHIBIT(sth61a09)

01:53:33 **Vote:** Motion carried unanimously by voice vote. Rep. Knudsen and Rep. Webber voted by proxy.

01:53:56 **Motion:** Rep. Wittich moved that **SB 168 BE AMENDED.**
EXHIBIT(sth61a10)

Discussion:

01:55:18 Sheri Scurr, LSD
01:55:39 Rep. Wittich
01:56:03 Vice Chair Schreiner
01:56:24 Rep. Wittich
01:57:08 Vice Chair Schreiner
01:58:11 Rep. Wittich
01:59:43 Rep. Garner
02:00:03 Rep. Shaw
02:01:41 Chair Essmann

02:01:48 **Vote:** Motion carried unanimously by voice vote. Rep. Knudsen and Rep. Webber voted by proxy.

02:02:12 **Motion:** Rep. Harris moved that **SB 168 BE CONCURRED IN AS AMENDED.**

Discussion:

02:02:30 Rep. Garner
02:02:34 Rep. Funk
02:03:48 Chair Essmann
02:04:25 Rep. Lamm

02:04:41 **Vote:** Motion carried unanimously by voice vote. Rep. Knudsen and Rep. Webber voted by proxy. Rep. McKamey will carry the bill.

02:05:53 Chair Essmann

EXECUTIVE ACTION ON SB 191

02:06:24 Sheri Scurr, LSD
02:06:42 Chair Essmann

02:06:48 **Motion:** Rep. Harris moved that **SB 191 BE CONCURRED IN.**

02:06:58 Sheri Scurr, LSD

02:07:36 **Motion:** Rep. Wittich moved that **SB 191 BE AMENDED.**
EXHIBIT(sth61a11)

02:09:48 Rep. Karjala
02:10:16 Rep. Garner
02:10:46 Vice Chair Harris

02:11:22 **Vote:** Motion carried 19-1 by voice vote with Rep. Karjala voting no. Rep. Knudsen and Rep. Webber voted by proxy.

02:12:00 **Motion:** Rep. Harris moved that **SB 191 BE CONCURRED IN AS AMENDED.**

02:12:12 Chair Essmann

02:13:55 **Vote:** Motion carried unanimously by voice vote. Rep. Knudsen and Rep. Webber voted by proxy. Rep. Lynch will carry the bill.

02:14:39 Vice Chair Schreiner

02:14:56 Chair Essmann

EXECUTIVE ACTION ON SB 195

02:15:20 Sheri Scurr, LSD

02:15:40 Chair Essmann

02:15:46 Sheri Scurr, LSD

02:16:11 **Motion:** Rep. Harris moved that **SB 195 BE CONCURRED IN.**

02:16:33 Sheri Scurr, LSD

[EXHIBIT](#)(sth61a12)

02:18:19 **Motion:** Rep. Garner moved that **SB 195 BE AMENDED.**

Discussion:

02:18:32 Rep. Wittich

02:18:41 Sheri Scurr, LSD

02:19:43 Chair Essmann

02:19:56 Rep. B. Bennett

02:20:31 **Vote:** Motion carried unanimously by voice vote. Rep. Knudsen and Rep. Webber voted by proxy.

02:20:56 **Motion/Vote:** Rep. Harris moved that **SB 195 BE CONCURRED IN AS AMENDED.** Motion carried unanimously by voice vote. Rep. Knudsen and Rep. Webber voted by proxy. Rep. Shaw will carry the bill.

EXECUTIVE ACTION ON SB 220

02:21:50 Sheri Scurr, LSD

02:22:06 **Motion:** Rep. Harris moved that **SB 220 BE CONCURRED IN.**

02:22:14 Sheri Scurr, LSD

02:22:48 **Motion/Vote:** Rep. Essmann moved that **SB 220 BE AMENDED.** Motion carried unanimously by voice vote. Rep. Knudsen and Rep. Webber voted by proxy.

[EXHIBIT](#)(sth61a13)

02:23:49 **Motion/Vote:** Rep. Harris moved that **SB 220 BE CONCURRED IN AS AMENDED.** Motion carried unanimously by voice vote. Rep. Knudsen and Rep. Webber voted by proxy. Rep. Essmann will carry the bill.

EXECUTIVE ACTION ON SB 235

02:24:49 Sheri Scurr, LSD

02:25:02 **Motion/Vote:** Rep. Harris moved that **SB 235 BE CONCURRED IN**. Motion carried 12-8 by roll call vote with Rep. Bennett, Rep. Funk, Rep. Hayman, Rep. Karjala, Rep. Price, Rep. Schreiner, Rep. Swanson and Rep. Webber voting no. Rep. Knudsen and Rep. Webber voted by proxy. Rep. Lamm will carry the bill.

EXECUTIVE ACTION ON SB 238

02:27:05 Sheri Scurr, LSD

02:27:37 **Motion:** Rep. Harris moved that **SB 238 BE CONCURRED IN**.

02:27:50 Sheri Scurr, LSD

[EXHIBIT](#)(sth61a14)

02:29:11 **Motion:** Rep. Schreiner moved that **SB 238 BE AMENDED**.

02:29:25 Chair Essmann

02:29:47 Sheri Scurr, LSD

02:31:26 Chair Essmann

02:31:50 Sheri Scurr, LSD

02:32:23 Rep. Wittich

02:33:13 **Vote:** Motion carried unanimously by voice vote. Rep. Knudsen and Rep. Webber voted by proxy.

02:33:34 **Motion:** Rep. Harris moved that **SB 238 BE CONCURRED IN AS AMENDED**.

02:33:45 Rep. Garner

02:34:17 Vice Chair Harris

02:34:54 **Vote:** Motion carried unanimously by voice vote. Rep. Knudsen and Rep. Webber voted by proxy. Rep. Garner will carry the bill.

EXECUTIVE ACTION ON SB 283

02:35:47 Sheri Scurr, LSD

02:36:29 **Motion:** Rep. Harris moved that **SB 283 BE CONCURRED IN**.

02:37:06 Rep. Funk

02:37:24 Chair Essmann

02:38:51 **Motion:** Rep. Wittich moved that **SB 283 BE AMENDED**.

[EXHIBIT](#)(sth61a15)

Discussion:

02:39:10 Chair Essmann
02:39:14 Rep. Wittich
02:39:55 Chair Essmann
02:41:02 Rep. Wittich
02:41:59 Rep. Funk
02:42:39 Rep. Wittich
02:43:14 Chair Essmann
02:43:40 Vice Chair Schreiner
02:44:22 Chair Essmann
02:44:27 Sheri Scurr, LSD

02:45:06 **Vote:** Motion carried 12-8 by roll call vote with Rep. Bennett, Rep. Funk, Rep. Hayman, Rep. Karjala, Rep. Price, Rep. Schreiner, Rep. Swanson and Rep. Webber voting no. Rep. Knudsen and Rep. Webber voted by proxy.

02:46:47 **Motion:** Rep. Garner moved that **SB 283 BE AMENDED.**

EXHIBIT(sth61a16)

Discussion:

02:47:36 Chair Essmann
02:47:44 Rep. Garner
02:48:05 Rep. Wittich
02:48:21 Sheri Scurr, LSD
02:49:36 Rep. Wittich

02:50:10 **Substitute Motion:** Rep. Essmann made a substitute motion **to adopt section 1 of SB028304.asc.**

Discussion:

02:50:59 Rep. Garner
02:51:06 Vice Chair Schreiner
02:52:19 Rep. Wittich
02:52:48 Chair Essmann

02:53:04 **Vote:** Motion carried 11-9 by roll call vote with Rep. Bennett, Rep. Funk, Rep. Greef, Rep. Hayman, Rep. Karjala, Rep. Price, Rep. Schreiner, Rep. Swanson and Rep. Webber voting no. Rep. Knudsen and Rep. Webber voted by proxy.

02:54:57 **Motion:** Rep. Garner made a motion **to adopt sections 2-5 of SB028304.asc with the \$240 in sections 4 and 5 changed to \$170.**

Discussion:

02:55:42 Chair Essmann
02:56:10 Vice Chair Harris
02:56:30 Rep. Mandeville
02:57:53 Rep. B. Brown
02:58:36 Rep. Wittich
03:01:14 Rep. Garner

03:02:01 **Vote:** Motion failed 6-14 by roll call vote with Rep. Essmann, Rep. Garner, Rep. Mandeville, Rep. McKamey, Rep. Shaw and Rep. Wittich voting aye. Rep. Knudsen and Rep. Webber voted by proxy.

03:03:48 **Motion/Vote:** Rep. Garner moved that **SB 283 BE TABLED**. Motion carried 19-1 by voice vote with Rep. Hayman voting no. Rep. Knudsen and Rep. Webber voted by proxy.

03:04:46 Chair Essmann

EXECUTIVE ACTION ON SB 286

03:05:11 Sheri Scurr, LSD

03:05:42 **Motion:** Rep. Harris moved that **SB 286 BE CONCURRED IN**.

Discussion:

03:05:59 Vice Chair Schreiner

03:06:57 Rep. McKamey

03:07:13 Vice Chair Harris

03:08:03 Chair Essmann

03:09:38 **Substitute Motion/Vote:** Rep. Schreiner made a substitute motion that **SB 286 BE TABLED**. Substitute Motion carried 12-8 by roll call vote with Rep. B. Brown, Rep. Harris, Rep. Knudsen, Rep. Lamm, Rep. Mandeville, Rep. McKamey, Rep. Mortensen and Rep. Wittich voting no. Rep. Knudsen and Rep. Webber voted by proxy.

EXECUTIVE ACTION ON SB 293

03:11:24 Sheri Scurr, LSD

03:11:37 **Motion:** Rep. Harris moved that **SB 293 BE CONCURRED IN**.

03:11:52 Rep. Wittich

03:13:06 **Vote:** Motion failed 9-11 by roll call vote with Rep. Bennett, Rep. Funk, Rep. Hayman, Rep. Karjala, Rep. Mandeville, Rep. Price, Rep. Schreiner, Rep. Swanson and Rep. Webber voting aye. Rep. Knudsen and Rep. Webber voted by proxy.

03:14:36 **Motion/Vote:** Rep. Wittich moved that **SB 293 BE TABLED**. Motion carried unanimously by voice vote. Rep. Knudsen and Rep. Webber voted by proxy.

EXECUTIVE ACTION ON SB 364

03:15:03 Sheri Scurr, LSD

03:15:27 **Motion:** Rep. Harris moved that **SB 364 BE CONCURRED IN.**

03:15:41 Sheri Scurr, LSD

03:16:10 **Motion:** Rep. Essmann moved that **SB 364 BE AMENDED.**
EXHIBIT(sth61a17)

Discussion:

03:17:21 Rep. Price

03:17:31 Chair Essmann

03:17:49 Rep. Funk

03:18:19 Chair Essmann

03:20:03 Rep. Funk

03:20:34 Chair Essmann

03:20:47 Vice Chair Harris

03:21:06 Chair Essmann

03:21:13 Rep. Karjala

03:21:19 Chair Essmann

03:21:24 Rep. Karjala

03:21:31 Chair Essmann

03:21:45 Vice Chair Schreiner

03:22:24 Chair Essmann

03:22:53 Rep. Wittich

03:23:15 Chair Essmann

03:23:32 Rep. Wittich

03:23:52 Sheri Scurr, LSD

03:24:42 **Substitute Motion:** Rep. Wittich made a substitute motion that **SB 364 BE CONCEPTUALLY AMENDED to name a portion of the heritage center after Betty Babcock and require a plaque be displayed in that portion of the heritage center.**

03:25:07 Rep. Karjala

03:25:26 Chair Essmann

03:25:41 Vice Chair Schreiner

03:25:54 Chair Essmann

03:26:33 **Substitute Motion:** Rep. Harris moved that **ACTION ON SB 364 BE DEFERRED FOR ONE DAY.**

03:26:46 Rep. B. Bennett

03:27:16 Rep. Wittich

03:27:50 Chair Essmann (*does not recognize Rep. Harris' motion*)

Discussion:

03:28:40 Rep. B. Bennett

03:29:26 Rep. McKamey
03:30:22 Vice Chair Harris
03:31:06 Chair Essmann
03:31:30 Rep. Lamm

03:31:59 **Vote:** Motion failed 4-16 by roll call vote with Rep. B. Brown, Rep. McKamey, Rep. Price and Rep. Wittich voting aye. Rep. Knudsen and Rep. Webber voted by proxy.

03:33:35 Rep. Wittich
03:33:53 Rep. B. Bennett
03:33:57 Chair Essmann

03:34:01 **Motion:** Rep. B. Bennett moved that **SB 364 BE CONCEPTUALLY AMENDED to change "allowing a plaque" to "requiring a plaque"**.

Discussion:

03:34:50 Chair Essmann
03:35:09 Sheri Scurr, LSD
03:35:35 Rep. Hayman
03:35:46 Chair Essmann
03:36:13 Rep. Hayman
03:37:20 Rep. Wittich
03:37:33 Chair Essmann

03:37:45 **Vote:** Motion carried 19-1 by roll call vote with Rep. McKamey voting no. Rep. Knudsen and Rep. Webber voted by proxy.

03:39:00 **Motion:** Rep. Harris moved that **SB 364 BE CONCURRED IN AS AMENDED.**

Discussion:

03:39:09 Chair Essmann
03:39:29 Vice Chair Schreiner
03:39:57 Rep. Mandeville
03:40:31 Rep. McKamey
03:41:12 Rep. Karjala

03:41:52 **Vote:** Motion carried 18-2 by voice vote with Rep. Hayman and Rep. McKamey voting no. Rep. Knudsen and Rep. Webber voted by proxy. Rep. Mandeville will carry the bill.

EXECUTIVE ACTION ON SJ 6

03:42:41 Chair Essmann

03:43:38 **Motion:** Rep. Harris moved that **SJ 6 BE CONCURRED IN.**

03:43:53 Sheri Scurr, LSD
03:44:13 Chair Essmann

03:44:24 **Vote:** Motion carried unanimously by voice vote. Rep. Knudsen and Rep. Webber voted by proxy. Rep. Person will carry the bill.

03:44:47 Rep. Garner
03:44:53 Rep. B. Bennett
03:45:00 Chair Essmann
03:45:13 Sheri Scurr, LSD
03:47:16 Chair Essmann
03:47:30 Rep. Wittich
03:47:45 Sheri Scurr, LSD
03:48:15 Chair Essmann
03:49:12 Rep. Wittich
03:49:16 Chair Essmann

ADJOURNMENT

Adjournment: 03:49:32

Jennifer Petersen, Secretary

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Additional Documents:

EXHIBIT([sth61aad.pdf](#))